IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE G.BHAVANI PRASAD

WRIT PETITION NO:24102 of 2006

Dated:8th December 2006.

Between:
N.Chinnayya, S/o N.Eswaraiah, Kadapa District.

..... PETITIONER

AND

The Deputy Transport Commissioner and Secretary,
Regional Transport Authority, Kadapa and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION NO:24102 of 2006

ORAL ORDER:
(Per the Hon'ble Sri Justice J.Chelameswar)

The petitioner is the registered owner of the tractor bearing No.AP 04/T 1105 along with a trailor bearing No. AP 04/T 1106. The vehicle was checked and seized by the Motor Vehicle Inspector, Khammam on 08-10-2006. The relevant portion of the check report reads as follows:

> " Stopped and checked the above said Tractor while proceeding towards Kamakuru from Gudur and found following irregularities
>
> 1. Vehicle Registration mark not exhibited.
> 2. RC, IC. FC and PUC and DL not produced at the time of check.
> 3. No proof of Tax paid for Q.E.30-9-2006
>
> Hence, vehicle seized u/sec.8 of APMVI Act and u/sec.207 of M.V.Act and kept at Ozili P.S. for safe custody."

Hence, the present writ petition is filed with the prayer as follows:

> " For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in seizing the Petitioner's Tractor and Trailor bearing registration Nos.AP 04/T 1105 and AP 04/T 1106 respectively under vehicle Check Report No.211635, dated 8-10-2006, is illegal and arbitrary and consequently direct the respondents to release the Tractor and Trailor bearing registration Nos.AP 04/T 1105 and AP 04/T 1106 respectively seized under Check Report No.211635, dated 8-10-2006 in favour of the Petitioner forthwith and pass such other or further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Heard the learned Government Pleader for Transport.

In the circumstances, we deem it appropriate to dispose of the writ petition directing the respondents to release the abovementioned tractor and trailor on condition of the petitioner paying the tax as determined by the 1st respondent herein. However, it is open for the respondents to conduct an enquiry regarding the alleged violations of law indicated in the vehicle check report mentioned above and take appropriate action in accordance with law.

Accordingly, with the above directions, the writ petition is disposed of at the stage of admission.

J.Chelameswar, J

G.Bhavani Prasad, J

Note:
Issue wire at party's cost.
(bo)
mrk
8th December 2006